

April 3, 2007

Mr. Scott called the Workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Martin, Mr. Brandt (7:03 p.m., Absent for Roll Call), Mr. Lukasik (7:05 p.m., Absent for Roll Call), Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mrs. Nargi

Others Present: Atty. William Sutphen, Paul Ferriero, Carl Hintz, Melinda Wright, John Moca, Douglas Dickinson

Mr. Scott announced some changes in the order of the agenda. He said Atty. Sutphen would be addressing some items. Atty. Sutphen gave an update on Litigation in the matter of McCaffrey versus Case, Block 17, Lot 2. Mr. Sutphen apprised the Board on a Procedural Issue pertaining to Pilot Travel Centers. Atty. Sutphen said Pilot had applied to the Zoning Officer for Non-Conforming Use Certification. The Board has 120 days to consider the application. Mr. Sutphen will discuss the possibility of addressing this application with the one that is currently being heard by the Board. Mr. Scott asked Atty. Sutphen to address the Consideration of a Potential Rule Change, Posting of Unofficial "Draft" Minutes. Mr. Sutphen said he has been serving numerous municipalities for more than 30 years. He discussed the issue with two partners who have also served municipalities for many years and they had not heard of draft minutes being posted. Atty. Sutphen's personal opinion was that it was not a great idea because some information that might be incorrect could become public. Mr. Walchuk asked about the timeframe for minutes. Mr. Scott said the regular meeting minutes are usually approved at the following meeting and the workshop minutes are approved at the next workshop meeting. Atty. Sutphen indicated a 30-day turnaround would be appropriate. Mr. Scott asked if the Board was amenable to the status quo. There were no comments from Board members.

Gambony: Block 19, Lot 5.01, 737 Route 625: Atty. Sutphen gave a brief overview of the issue. Mr. Gambony had requested that a Township Easement on his property revert to him. The Master Plan would have to be changed if that were done since other properties in the Township would be affected. Mr. Sutphen advised the Board to respond to the Township Committee stating that they do not feel that vacating the easement is necessary at this time and that the MP should be reviewed and revised as needed some time in the future. Mr. Hintz said the matter should be reviewed to find out why the road was in the MP.

Mr. Bischoff made a motion to advise the Township that the Board does not feel that vacating the easement is necessary at this time and the Master Plan should be reviewed and revised as needed. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Lukasik, Mr. Mazza, Mr. Martin, Mr. Brandt,
Mr. Walchuk, Mr. Taibi, Mr. Scott
Naye: Mr. Kirkpatrick

Wright: Block 29.01, Lot 19, 17 Wyckoff Drive: Reconfiguration of Net-Buildable Area: Melinda Wright explained the need to reconfigure the area in order to install an in-ground pool and Jacuzzi for the enjoyment of her family. Ms. Wright had notified adjacent property owners and provided proof of the notification. Mr. Scott marked the notification documents as Exhibit A-1. Paul Ferriero had recommended in a letter dated March 28, 2007 that an as-built survey of improvements be provided to the Zoning Officer to ensure they are within the approved buildable area. Mr. Ferriero also said any pool fence should be constructed within the buildable area. Mr. Ferriero's letter was marked Exhibit A-2. Ms. Wright said she was not aware of those requirements being imposed on other property owners. She felt that any survey should be done before the pool was installed. Mr. Hintz had met with Mr. Ferriero and he had suggested the Zoning Officer inspect the site to ensure that the pool is properly placed. Ms. Wright questioned the fence being constructed within the buildable area. She intended to place the fence five feet from the property line. Mr. Scott said he had no issue with that placement.

Mr. Lukasik made a motion to approve Ms. Wright's request. Mr. Brandt seconded the motion.

Vote: Ayes: Mr. Lukasik, Mr. Brandt, Mr. Mazza, Mr. Martin, Mr. Kirkpatrick,
Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Pattenburg Quarry: Block 1.08, Lots 18.01, 22 & 23, Route 614: John Moca, representing Contract Purchaser Ferriera Construction, had written a letter dated February 27, 2007, inquiring as to whether conditions of Resolution 2003-99, as they relate to the Quarry, could be transferred. Mr. Scott understood it is a Township Committee issue. Mr. Moca said the inquiry had been addressed to the Committee and they forwarded it to the Planning Board. Mr. Scott asked Mr. Moca the intended use. Mr. Moca said there are no clear cut plans at this time. Installation of solar panels and temporary storage for their Construction Company equipment when working in the area has been discussed preliminarily. Ferriera would be continuing reclamation of the site. Mr. Scott wanted assurance that when Title was transferred Ferriera would take full responsibility for conditions of the Resolution. Mr. Moca agreed that would be done. Mr. Hintz told Mr. Moca it would be a good idea to speak with the Zoning Officer.

Mr. Bischoff made a motion to advise the Township Committee that the Board sees no reason why the conditions of Resolution 2003-99 cannot be transferred to the contract purchaser, Ferriera Construction. It is, however, a Township Committee decision. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Kirkpatrick, Mr. Martin, Mr. Brandt, Mr. Lukasik,
Mr. Walchuk, Mr. Taibi, Mr. Scott
Abstain: Mr. Mazza

Dickison: Block 25.01, Lot 4, 5 Fox Chase Turn: Mr. Dickison appeared before the Board to present an overview of a situation that arose when he sought and obtained permits to construct a 24' x 36' garage in 2006. In January, 2007, Mr. Dickison called Zoning Officer David Mills to ask what was required to complete the project. Mr. Mills said a curb-cut opening application would be required from the Construction Department and that Township Zoning allows one driveway per residential lot. Mr. Dickison said he was unaware of that fact. He also said the Zoning states that no building should be constructed unless the property owner first obtains a driveway permit from the Zoning Officer. Mr. Dickison said physical site conditions would prevent him from connecting the existing driveway with the garage.

Mr. Dickison discussed the matter with Township Engineer, John Reymann (Appointed January 2007) who told him about the Zoning that allows one driveway per lot. Mr. Dickison acknowledged that; however, the Zoning states that he should not have gotten a building permit until he had the driveway permit. Mr. Reymann stated that there was a document indicating that Mr. Dickison was notified of the one Zoning provision. Township Engineer Robert Bogart (2006 Appointment) had remarked on the Zoning Application that the Ordinance allows only one residential driveway opening per lot. Mr. Dickison said he did not have that documentation. Mr. Reymann brought the issue to the attention of the Township Committee at their March 7, 2007 meeting. The following morning Mr. Reymann informed Mr. Dickison that he was in violation of the Ordinance. Photographs of the property showed disturbance indicative of a second driveway. Mr. Dickison presented a letter from the Quakertown Fire Company recommending the ability to access the garage in case of an emergency. Mr. Reymann brought the issue to the Committee again at their March 21, 2007 meeting. He told Mr. Dickison the following day that he should appear before the Planning Board. Mr. Dickison said adjoining neighbors provided signatures indicating they did not object to the driveway proposal.

Mr. Scott told Mr. Dickison that in order for the Board to have jurisdiction he would have to file a variance application. Mr. Hintz told Mr. Dickison he should provide a plot plan showing the approximate location of the driveway, notify neighbors within 200 feet of his property and provide a condensed version of tonight's presentation as the variance application. Mr. Hintz advised Mr. Dickison to state the distance between the existing and proposed driveways, as well as the distance between neighbors driveways, in order for the Board to decide that there is not a safety issue. Mr. Lukasik told Mr. Dickison he should provide two photographs, one from the garage toward the house and one from the existing driveway toward the garage. Mr. Dickison said when Mr. Reymann visited the site he realized there was not a safety issue and that it is not possible because of the topography to use the existing driveway to access the garage. Mr. Brandt emphasized the importance of filing a formal application in order for the Board to make a decision. Mayor Mazza asked about the driveway composition.

Mr. Dickison said that blacktop would be kept to a minimum. Turf stone, cobblestone or hardscape will be used for the bulk of the driveway.

Public Comment/Other Discussion: Mr. Hintz had a letter from Atty. Patrick Mullaney, representing Red Hills Quarry, relating to the Highland's Designation of that property. Steep slopes development: Mr. Reymann and Mr. Bischoff had discussed the matter. Mr. Hintz will research. Mr. Hintz said the Highlands may come out with a set of recommendations.

Correspondence: For Board's Information

Approval of Minutes: Mr. Bischoff made a motion to approve the February 22, 2007 Executive Session minutes. Mr. Kirkpatrick seconded the motion.

Vote: All Ayes

March 6, 2007 Executive Session minutes: Mr. Kirkpatrick said Page 2, Zoning Official Comments, should be amended to state that Mr. Kirkpatrick had worked for the Firm that prepared the regional site plan. Mr. Bischoff made a motion to approve the minutes of the March 6, 2007 Executive Session minutes, as amended. Mr. Lukasik seconded the motion.

Vote: All Ayes

A motion to approve the minutes of the February 22, 2007 regular meeting and the March 6, 2007 Workshop was made by Mr. Kirkpatrick. Mr. Lukasik seconded the motion.

Vote: All Ayes

Mr. Bischoff made a motion to adjourn. Mr. Lukasik seconded the motion. (8:40 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary